

**MEC
OPINION NO.**

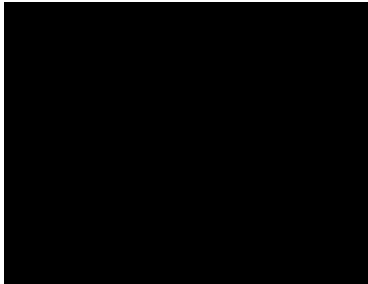
2007.11.CF.012

STATE OF MISSOURI

MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

573/751-2020
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November 9, 2007



At the November 8, 2007 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's Response to your questions:

- 1. When the committee makes an in-kind contribution of more than \$100 by paying a vendor for services rendered to another committee, how should the in-kind contribution be reported on the committee's disclosure reports?*
 - a. Should the payment to the vendor be disclosed on form CD3, lines 8-11 as an itemized expenditure? If so, how should the purpose of the expenditure be described? Is it sufficient to identify the services supplied or must the committee also identify the committee that benefited?*
 - b. Should the payment also be disclosed on form CD3, lines 20-22 as an itemized, in-kind contribution to the other committee?*
 - c. Other than the reporting requirements noted above, are there any other lines or forms that should be completed by the committee to disclose the in-kind contribution?*

The payment should be disclosed on the "Expenditure and Contributions Made" Form, indicating the required vendor information, date, the purpose of the expenditure, including the name of the committee for whom the payment was made, and indicating if the amount was paid or incurred.

According to Commission Opinion 96.06.135 – Page 3 (July 12, 1996): "For an expenditure to be independent and not a contribution to the candidate, such expenditure must be free from the direction, control, request, or influence of the candidate, either express or implied."

2007.11.CF.012

- A payment disclosed on the "Expenditure and Contributions Made" Form which qualifies as a contribution under the law should be listed on the "Contributions Made Section of the Form."
 - A payment disclosed on the "Expenditure and Contributions Made" Form which qualifies as a direct expenditure should be listed on the "Direct Expenditure Report" form.
2. *When the committee makes an in-kind contribution of more than \$100 by paying a vendor for services rendered to another committee, how should that in-kind contribution be reported by the committee that receives the contribution?*
- a. *Should the in-kind contribution be disclosed on form CD1, lines 3-5 as an in-kind contribution from the committee to the recipient committee?*
 - b. *Does the payment to the vendor by the committee need to be disclosed by the recipient committee in any way? If so, how?*
 - c. *Other than the reporting requirements noted above, are there any other lines or forms that should be completed to disclose the receipt of the in-kind contribution?*

Section 130.041.1(9) provides each report shall set forth a separate listing by full name and address of any committee including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution. The receiving committee would disclose on "Contributions and Loans Received" the required information, indicating in-kind.

3. *For purposes of calculating the cumulative totals on the report summary page (form CD summary), how does a political party committee determine when an "election" ends and the next "election" begins?*

Candidate committees have a specific election date. Contributions received by a candidate committee are aggregated on a per "election" basis. A candidate committee files a disclosure report on the 30th day following the election for the period closing on the 25th day after the election. That report concludes the "election" designated on the Report Summary form [Total Receipts for this election previously reported.]

2007-11-CF-012

Continuing committees and Political Party committees in any given report cycle may be participating in multiple elections (primary, general, special, municipal, etc) on multiple election dates (February, March, April, June, August and December). There is no primary/general election in odd years. The Report Summary form [Total Receipts for this election previously reported] is aggregated on a calendar year basis.

Sincerely,



Robert F. Connor
Executive Director

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NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose in any other manner.